

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH VAN LOON; TYLER ALMEIDA;
ALEXANDER FISHER; PRESTON VAN LOON;
KEVIN VITALE; and NATE WELCH,

Plaintiffs,

- against -

DEPARTMENT OF THE TREASURY; OFFICE OF
FOREIGN ASSETS CONTROL; JANET YELLEN,
in her official capacity as Secretary of the Treasury; and
ANDREA M. GACKI, in her official capacity as Director
of the Office of Foreign Assets Control,

No. 1:23-cv-312-RP

Defendants.

AFFIDAVIT OF ALEXANDER FISHER

Alexander Fisher declares as follows:

1. I manage blockchain and decentralized application infrastructure, with a focus on the Ethereum network.
2. I am a citizen of the United States of America.
3. I currently reside in Michigan.
4. I am not a terrorist or a criminal.
5. I do not launder money.
6. I am not a member of the government of North Korea or the North Korean Workers' Party.
7. I do not support terrorism, illegal activity, the government of North Korea, or the Korean Workers' Party.

8. I submit this declaration in support of Plaintiffs' Motion for Partial Summary Judgment in the above-captioned case.

9. I am familiar with all of the allegations set forth in the Amended Complaint filed in this action. Those allegations are true and correct to the best of my knowledge and belief.

10. I am personally familiar with the facts stated in this declaration.

Use of Tornado Cash

11. I own crypto assets.

12. I am active in the Ethereum community and post my public ENS name on my public Twitter profile.

13. I have used Tornado Cash in the past and would use it again in the future, if Tornado Cash were not sanctioned, to protect the privacy of my family and guard against hacking. In the past, people have been able to use public data sources to find my wallet addresses.

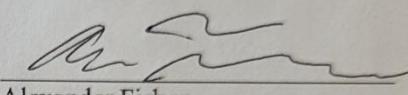
14. Until it was sanctioned, I could use Tornado Cash to obtain funds for staking and for personal transactions.

15. I have written proof-of-concept code that used the open-source Tornado Cash code to allow those who stake Ethereum to have greater security and privacy. In 2021, an innovative smart contract I wrote along with Plaintiff Kevin Vitale was awarded a first-place prize at ETHDenver, a member-owned community innovation festival.

16. I used Tornado Cash because I believe it could protect my security and privacy while transacting.

17. If Tornado Cash were no longer designated, I would use Tornado Cash again to continue transacting for staking and personal purposes while protecting my and my family's privacy and security. I am now unwilling to interact with the software out of fear of serious penalties for violating OFAC sanctions.

I, Alexander Fisher, swear or affirm and declare under penalty of perjury that the foregoing is true and correct.

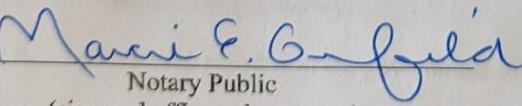


Alexander Fisher

Dated March 30, 2023

State Michigan
County of Oakland
City of South Lyon

Subscribed and sworn to or affirmed before me
this 30 day of March in the year 2023.



Notary Public

(sign and affix seal or stamp)

MARCIE E GREENFIELD
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 04-21-2026
Acting in the County of Oakland 3